

ORAL ARGUMENT NOT YET SCHEDULED  
**UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

Huntsman Petrochemical LLC,

Petitioner,

v.

U.S. Environmental Protection Agency,

Respondent.

Nos. 20-1414, 20-1417, 20-1418

**EPA's Unopposed Motion to Govern**

As ordered by the Court on March 28, 2023, EPA files this motion. EPA asks that these consolidated cases be left in abeyance until December 15, 2023. Industry Petitioners Huntsman Petrochemical (Case Nos. 20-1414) and American Chemistry Council (Case Nos. 20-1418), and Community Petitioners<sup>1</sup> (Case No. 20-1417) do not oppose the relief sought.

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<sup>1</sup> Community Petitioners are RISE St. James, Louisiana Bucket Brigade, Louisiana Environmental Action Network, Air Alliance Houston, Texas Environmental Justice Advocacy Services, Blue Ridge Environmental Defense League, Inc., Environmental Justice Health Alliance for Chemical Policy Reform, Environmental Integrity Project, Sierra Club, and Union of Concerned Scientists.

The petitions for review all challenge the EPA action “National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing Residual Risk and Technology Review; Final Rule.” 85 Fed. Reg. 49,084 (Aug. 12, 2020).

In October 2020, some Industry Petitioners and Community Petitioners petitioned EPA for administrative reconsideration of that action. Soon after that, the Court placed these cases in abeyance pending further order. Order (Nov. 19, 2020); *see also* Order (Aug. 23, 2021) (ordering 90-day status reports); Orders (Sept. 1, 2022; Jan. 6, 2023; Feb. 2, 2023).

EPA reconsidered two issues raised in Industry Petitioners’ administrative petitions. Those issues, involving certain cancer-risk values, have been severed from this litigation and are being briefed under a different case number. *See* Orders (Mar. 28, 2023, Apr. 11, 2023). The rest of this litigation was left in abeyance. *See* Order (Mar. 28, 2023).

In April, EPA proposed to address certain issues in this litigation by amending parts of the rule under review. 88 Fed. Reg. 25,574 (Apr. 27, 2023). The comment period for the proposal closed on June 12. EPA is currently reviewing the comments it received. How EPA finalizes the proposal could affect the scope of this litigation. EPA thus asks that these cases remain in abeyance until December 15, 2023, with a motion to govern due then.

Submitted on June 26, 2023.

/s/ Sue Chen

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### **Certificates of Compliance and Service**

I certify that this filing complies with Fed. R. App. P. 27(d)(1)(E) because it uses 14-point Times New Roman, a proportionally spaced font.

I also certify that this motion complies with Fed. R. App. P. 27(d)(2)(A), because by Microsoft Word's count, it has 315 words, excluding the parts exempted under Fed. R. App. P. 32(f).

Finally, I certify that on June 26, 2023, I filed the foregoing with the Court's CMS/ECF system, which will notify each party.

/s/ Sue Chen

Sue Chen